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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,590	<b>Applicant(s)</b> ANNADATA ET AL.	
	<b>Examiner</b> QUYNH H. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE and amendment filed 1/30/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Response to Amendment***

2. Applicant's RCE and amendment filed 1/30/08 has been entered. Claims 1, 7, and 15 have been amended. Claim 21 has been cancelled. No claims have been added. Claims 1-21 are still pending in this application, with claims 1, 7, and 15 being independent.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 13, claims a computer readable storage media. However, Applicant's specification does not positively disclose / support what type of media it is. Therefore,

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since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

Claim 14 claims "a signal in a carrier medium" the non-statutory subject matter of a computer program. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

### ***Claim Rejections - 35 USC § 103***

5. Claims 1-4, 7-10, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (U.S. Patent 6,058,435) in view of Crowther et al. (U.S. Patent 6,771,765).

As to claims 1, 7, and 15, Sassin et al. teach an apparatus comprising:

means for receiving a first request in a first media format (voice calls) of a plurality of different media formats (col. 3, lines 12-18) via a first communication channel of a plurality of communication channels (Fig. 1, via PSTN 12), wherein each communication channel of the plurality of communication channels has an associated

media format of the plurality of different media formats (col. 3, lines 38-51; col. 6, lines 1-65);

means for receiving a second request in a second media format of the plurality of different media formats (e-mail) via a second communication channel of the plurality of communication channels (Fig. 1, via Internet 23);

means for determining the media formats associated with communication channels that each agent of the one or more agents can access (col. 3, lines 22-24; col. 4, lines 37-42; col. 7, lines 20-40 and lines 54-65; col. 11, lines 40-62);

and means for assigning, in response to determining, the one or more agents to handle the first and second requests based on the media formats of the first and second requests and the media formats associated with communication channels that each agent of the one or more agents can access (col. 7, lines 20-40 and lines 54-65).

Sassin et al. does not teach determining the media formats that the agent is authorized to access; table comprises an entry that identifies at least one communication channel that one of the one or more agents is not authorized to access.

Crowther et al. teach determining the media formats associated with the communication channels that the agent is authorized to access (col. 5, lines 50-65 - *where Crowther discussed the agent is authorized to login a computer or a telephone*; col. 3, line 55 through col. 4, line 2 - *where Crowther discussed determining the type of media the agent login to assign the task*). Crowther further teaches if an agent is authorized to access from a telephone and a computer or a computer having telephonic capabilities by having a login ID and a password, and when the agent logs in, the agent

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manager performs a look up in a database to obtain information about the agent (col. 3, line 55 through col. 4, line 33). Hence, it would have been obvious that if an agent is not authorized to access, then the agent would not have or provided login ID and password to login or their names and/or their names are not in the database.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Crowther into the teachings of Sassin for the purposes of authenticate the agent as a valid agent that authorized to access a particular media, as discussed by Crowther (col. 5, lines 52-65); and further to indicate that the agent is logged in and ready to handle calls.

As to claim 2, 8, and 16, Crowther et al. teach means for assigning the one or more agents to handle the first and second requests based on the subject matter of the first and second requests and the skills associated with the one or more agents (col. 3, line 58 through col. 4, line 2).

As to claims 3, 9, and 17, Crowther et al. teach means for queuing the requests until one of the one or more agents is available to accept the requests (col. 7, lines 17-20).

As to claims 4, 10, and 18, Sassin et al. teach means for assigning the requests to the agents based on a set of rules (abstract; col. 3, line 60 through col. 4, line 5; col. 7, lines 30-40).

As to claims 13 and 14, Sassin et al. teach a computer readable storage media and a signal in a carrier medium comprising instructions to implement the method of claim 7 (Fig. 1, information distribution system; Fig. 2, dynamic skill-based router; etc.).

***Claim Rejections - 35 USC § 103***

6. Claims 5-6, 11-12, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (U.S. Patent 6,058,435) in view of Crowther et al. (U.S. Patent 6,771,765) and further in view of Miloslavsky (U.S. Patent 5,915,011).

As to claims 5-6, 11-12, and 19-20 Sassin and Crowther do not teach means for allowing an agent to decline being assigned to the first or second requests, and to route a handle the call (col. 16, line 59 through col. 17, line 49).

Miloslavsky teaches agent reroute the call to the next agent who is more qualified to handle the call (col. 16, line 59 through col. 17, line 49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of allowing an agent to decline or route a request to another agent, as taught by Miloslavsky, in Sassin's and Crowther's systems thus making the system more efficient by allowing the customer to receive the best service from an agent who has specific skills and knowledge, and is able and ready to provide the needed service.

***Response to Arguments***

7. Applicant's arguments filed 01/30/08 have been fully considered but they are not persuasive. Applicant's arguments are addressed in the above claims rejections.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/  
Primary Examiner, Art Unit 2614